

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

This matter is before the Court upon Plaintiff James Walter Alexander's ("Plaintiff") pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On May 8, 2020, Magistrate Judge Thomas E. Rogers, III issued a report and recommendation ("Report") outlining Plaintiff's claims and recommending that the Court partially dismiss the complaint for failure to state a claim as to Defendants Robinson and Williams. The Magistrate Judge authorized the issuance of service of process on Defendant Harden. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. On May 21, 2020, the Court received a request from Plaintiff for a fourteen-day extension of time to file objections. The Court granted Plaintiff's request on May 28, 2020, giving Plaintiff. To date, however, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that this action is subject to summary dismissal.

Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 20), and the Court partially dismisses this action by dismissing the complaint with prejudice and without issuance and service of process as to Defendants Robinson and Williams. The action remains pending against Defendant Harden.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

June 18, 2020
Charleston, South Carolina